

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

EDWARD J. MERRALL,)	
)	
Plaintiff,)	
)	Civil No. 04-3008-CO
v.)	
)	ORDER
THE U.S. DEPARTMENT OF)	
INTERIOR,)	
)	
Defendant.)	
_____)	

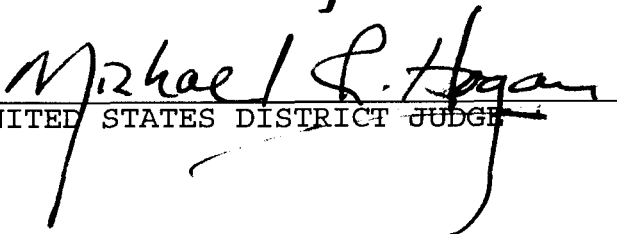
Magistrate Judge John P. Cooney filed Findings and Recommendation on May 31, 2005, in the above entitled case. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When either party objects to any portion of a magistrate judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate judge's report. See 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Plaintiff has timely filed objections. I have, therefore, given de novo review of Magistrate Judge Cooney's rulings.

I find no error. Accordingly, I ADOPT Magistrate Judge Cooney's Findings and Recommendation filed May 31, 2005, in its entirety. Defendant's motion for partial summary judgment (#27) is granted and plaintiff's claim based upon his November 1, 2001 non-selection is dismissed.

IT IS SO ORDERED.

DATED this 5th day of July, 2005.


UNITED STATES DISTRICT JUDGE